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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/909,988 | 07/23/2001 | Shigeru Tanaka | Q64671 | 1372 |

7590 08/25/2005

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| EXAMINER |
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PRONE, JASON D

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| ART UNIT | PAPER NUMBER |
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3724

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,988

Applicant(s)

TANAKA ET AL.

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,7,8,10 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26 is/are allowed.
- 6) ☒ Claim(s) 1,3,7,8,10,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 3, 7, 8, 10, and 23-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 1 and 10 recite the limitation "the receiving element" on lines 14-15 and 11-12 respectively. There is insufficient antecedent basis for this limitation in the claim.
4. In regards to claim 23, the phrase "a receiving element" is unclear. On lines 14-15, claim 1 recites the term "the receiving element". It is uncertain if the receiving element structure of claim 23 is the same structure as the receiving element structure of claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 7, 10, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakai et al. (4,442,493) in view of Kiyohara et al. (6,302,602) and further in view of Saito et al. (5,787,778). In regards to claims 1, 3, 7, and 10, Wakai et al. discloses the invention including an apparatus of estimating a lifetime of a cutter

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(Abstract), a detector for detecting a value of a current loaded on the motor, a comparator (62), an output element (Column 3 third paragraph), the comparator determines if the cutter is unfit for use (Column 3 third paragraph), the comparator is in a microcomputer (18), and a motor driving the cutter (22). The examiner notes that current is measured in amps and an ammeter is used to measure amps therefore it is inherent that an ammeter would be present.

However Wakai et al. fail to disclose a fixed blade, a movable blade that is movable along the fixed blade, a receiving element that is movable together with the movable blade, a support for supporting the movable blade and a support for supporting the receiving element, the supports are integral with one another, the movable blade comprises a rotatably supported disk, and the receiving element comprises a roller which is rotatably supported.

Kiyohara et al. teaches a fixed blade (94), a movable blade that is movable along the fixed blade (42), a receiving element that is movable together with the movable blade (82), a support for supporting the movable blade (80) and a support for supporting the receiving element (80), and that the supports are integral with one another (Fig. 7). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Wakai et al. with the cutting apparatus, as taught by Kiyohara et al., to allow for the cutting of a flexible web.

Saito et al. teaches the movable blade comprises a rotatably supported disk (3), and the receiving element comprises a roller which is rotatably supported (13). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of

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the invention, to have provided Wakai et al. in view of Kiyohara et al. with a rotatably supported disk and roller associated with the receiving element, as taught by Saito et al., to reduce friction.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wakai et al. in view of Kiyohara et al. and further in view of Saito et al. as applied to claim 1 above. Wakai et al., Kiyohara et al., and Saito et al. disclose the invention but fail to disclose the use of a visual display, however, official notice is taken that the use of an output element comprising a visual display is old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Wakai et al. in view of Kiyohara et al. with an output element comprising a visual display for an easier way of seeing the output element.

Allowable Subject Matter

8. Claim 26 is allowed.

9. Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The Examiner notes that in the Office actions dated 29 July 2005 and 23 December 2003, state claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, in the amendment to claims section of the response dated 29 November 2004, the dependency of claim 25 off of claim 23 was amended to be dependent off of claim 1. The amendment went

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unnoticed by the examiner, hence the antecedent basis rejection above. The subject matter of claim 25, as stated in the Office action dated 10 March 2005 was incorrectly labeled as allowable subject matter, hence the art rejection above. The subject matter added to claim 1 would be allowable if the subject matter of claim 23 is also added to claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JP
August 22, 2005


Allan N. Shoap
Supervisory Patent Examiner
Group 3700